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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,729	02/06/2001	Glenn R. Toothman III	00-40292 CIP	6075

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EXAMINER	
LI, ZHUO H	

ART UNIT	PAPER NUMBER
2185	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/777,729	TOOTHMAN ET AL.	
	Examiner	Art Unit	
	Zhuo H. Li	2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/27/2006 has been entered.

Response to Amendment

2. This Office action is in response to the amendment filed 1/27/2006.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5, 8-9, 16-20, 29-32, 41 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (US PAT. 5,696,488) in view of Manross, Jr. (US PAT. 6,414,663 hereinafter Manross) and Marszalek (US PAT. 6,131,065).

Regarding claim 1, Assisi discloses a system for providing instruction directly relating to substantially immovable equipment, i.e., a gravestone (1, figure 1), at a substantially inaccessible location, the system comprising a permanently spatially fixed transceiver (2, figure 1) affixed to the substantially immovable equipment connected with a processor (5, figure 1) and a memory device (4, figure 1) via a data cable (4, figure 1), the instruction directly relating to a substantially immovable equipment resided on the memory device; and a portable memory reading device (3, figure 1), separate from the memory device for uploading the instruction from the memory device via a non-permanent wireless proximity line, and communicating received ones of the instructions to a user of said portable memory reading device, i.e., carry out a dialogue with the computer, wherein the processor process the instruction to and from the memory device, including processing for forwarding of the instruction form the memory device to the memory reading device (the entire patent). Assisi differs from the claimed invention in not specifically teaching the processor and the memory device affixed to the substantially immovable equipment for uploading the instruction from the memory device while the processor and memory device are affixed to the substantially immovable equipment. However, Monross teaches a self-contained electronic memorial comprising a programmable memory and a control

unit integrated into gravestone or cemetery urns for allowing a visual history of a person with which that particular memorial is associated (abstract and col. 1 line 32 through col. 3 line 38). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Assisi in having the processor and the memory device affixed to the substantially immovable equipment such that the instruction is uploaded from the memory device while the processor and memory device are affixed to the substantially immovable equipment, as per teaching of Monross, in order to provide electronic apparatus used with or integrated into gravestones for allowing a visual history of a person with which that particular memory is associated. Although neither Assisi nor Monross specifically teaches the portable memory reading device for downloading the instruction to the memory device, it is notoriously well known in the art of providing a bi-directional communications between a portable wireless device and an external terminal for allowing the portable wireless device uploading and downloading the instruction to and from the memory device of the external unit in order to make easily modify the content of the information, for example see Marszalek (col. 3 line 48 through col. 4 line 19 and col. 6 lines 30-42). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Assisi and Monross in having the portable memory reading device for downloading the instruction to the memory device, as per teaching of Marszalek, in order to make easily modify the content of the information.

Regarding claims 2-3, Manross discloses the memory device comprising a contact memory device or a programmable read only memory device (col. 4 lines 41-42).

Regarding claim 4, Manross discloses that the memory device (21, figure 3) is permanently affixed to the equipment (17, figure 2 and col. 3 lines 16-30), as well as Assisi (figure 1).

Regarding claim 5, Manross teaches the whole self-contained electronic memorial being enclosed in a protective shock and weather resistant case (col. 3 lines 4-7) such that the memory device comprises a weather resistant memory device.

Regarding claim 8, Assisi discloses that the equipment, i.e., the gravestone, is outdoor equipment (figure 1).

Regarding claim 9, Manross teaches the equipment being interior of coffins or cemetery urns, i.e., indoor equipment (col. 1 lines 8-13).

Regarding claim 16, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claims 17-18, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claim 19, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claim 20, the limitations of the claim are rejected as the same reasons set forth in claim 5.

Regarding claim 29, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claims 30-31, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claim 32, the limitations of the claim are rejected as the same reasons set forth in claim 5.

Regarding claim 41, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claims 45-47, Assisi discloses the information related to a deceased person (col. 1 lines 16-25) so that the information comprises memorial information, historical information and reasons for the dedication.

Regarding claim 48, although the combination of Assisi, Monross and Marszalek does not specifically teaches the information being at least one selected from the group consisting of a user's manual, operation instruction and warranties, having these information neither have a disclosed purpose nor overcome any deficiencies in the prior art. As such, the data in the memory device may contain any type of information based on the object, which the memory device is applied to. Thus, one skill in the art would recognize to comprise various type of information depending upon applications.

6. Claims 6-7, 21-22 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (US PAT. 5,696,488) in view of Manross, Jr. (US PAT. 6,414,663 hereinafter Manross) and Marszalek (US PAT. 6,131,065) as applied in claims above, and further in view of O'Brien et al. (US PAT. 6,055,569 hereinafter O'Brien).

Regarding claims 6-7, the combination of Assisi, Manross and Marszalek differs from the claimed invention in not specifically teaching the information residing on the memory device in extensible markup language format or hypertext markup language format. However, it is

notoriously well known in the art of information being conveyed in a special format defined as Hypertext Markup Language format or Extensible Markup Language format, for example see O'Brien (col. 1 lines 20-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Assisi, Manross and Marszalek in having the information residing on the memory device in extensible markup language format or hypertext markup language format, as per teaching of O'Brien, in order to make compatible in conveying information between computers.

Regarding claims 21-22, the limitations of the claims are rejected as the same reasons set forth in claims 6-7.

Regarding claims 33-34, the limitations of the claims are rejected as the same reasons set forth in claims 6-7.

7. Claims 10-15, 23-28, 35-40 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (US PAT. 5,696,488) in view of Manross, Jr. (US PAT. 6,414,663 hereinafter Manross) and Marszalek (US PAT. 6,131,065) as applied in claims above, and further in view of Wants et al. (US PAT. 6,008,727 hereinafter Wants)

Regarding claims 10-15, the combination of Assisi, Manross and Marszalek differs from the claimed invention in not specifically teaching a database for replicating the information on the memory device, which the memory device is uniquely associated with an identifying code, wherein the replicated information is accessed upon receipted of the identifying code by the database through Internet or telephone network, which the replicated information is able to be revised at the database and communicated from the database to the memory device via the

communication connection. However, Want discloses a system for identifying multiple tags attached permanently to various objects comprising a database, wherein information on the memory device is replicated and wherein the memory device is uniquely associated with an identifying code, wherein the replicated information may be accessed upon receipt of the identifying code by the database (col. 9 lines 22-53), which the replicated information is accessed through an Internet and a telephone network (col. 13 lines 9-27 and col. 14 lines 18-44), and the replicated information is able to be revised at the database, and wherein the revised replicated information may be communicated from the database to the memory device via the communication connection (col. 8 lines 56-57 and col. 9 lines 1-21) in order to ease problems associated with use of large number of closely placed tags. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Assisi, Manross and Marszalek in having a database for replicating the information on the memory device, which the memory device is uniquely associated with an identifying code, wherein the replicated information is accessed upon receipted of the identifying code by the database through Internet or telephone network, which the replicated information is able to be revised at the database and communicated from the database to the memory device via the communication connection, as per teaching of Wants, because it eases problems associated with use of large number of problems associated with use of large number of device for storing retrieval of information.

Regarding claims 23-28, the limitations of the claims are rejected as the same reasons set forth in claims 10-15.

Regarding claims 35-40, the limitations of the claims are rejected as the same reasons set forth in claims 10-15.

Regarding claims 42-44, the limitations of the claims are rejected as the same reasons set forth in claims 10-15.

Response to Arguments

8. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhuo H. Li whose telephone number is (571) 272-4183. The examiner can normally be reached on Tue-Fri 7:30 AM-5:00 PM, and alternate Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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